

REMARKS

This Amendment is being filed in response to the Office Action mailed on December 5, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-28 remain in this application, where claims 1, 4, 5, 9, 11, 15, 17, 19, 21 and 26 are independent.

In the Office Action, the Examiner objected to claims 2 and 10 for certain informalities and rejected claims 13, 21 and 25 under 35 U.S.C. §112, second paragraph. In response, claims 2, 10, 13, 21 and 25 have been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection and rejection to claims 2, 10, 13, 21 and 25 is respectfully requested.

In the Office Action, the Examiner indicated that claims 9 and 15-25 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. §112, second paragraph. Applicant gratefully acknowledges the indication that claims 9 and 15-25 contain patentable subject matter. As noted above, the

rejections to claims 21 and 25 under 35 U.S.C. §112, second paragraph has been overcome. Further, claims 9, 15, 17, 19 and 21 have been rewritten in independent form. Accordingly, it is respectfully submitted that claims 9, 15, 17, 19 and 21 are in allowable form, and allowance thereof is respectfully requested. In addition, it is respectfully requested that claims 10, 16, 18, 20 and 22-25 also be allowed at least based on their dependence from independent claims 9, 15, 17, 19 and 21 as well as their individually patentable elements.

In the Office Action, claims 1-8 and 11-14 are rejected under 35 U.S.C. §103(a) over Applicant Admitted Prior Art (AAPA) in view of JP 2000-285609 (Tsuchiya). Applicant respectfully traverses and submits that claims 1-8, 11-14 and 26-28 are patentable over AAPA and Tsuchiya for at least the following reasons.

Tsuchiya is directed to recording data, where the border of a recorded data is changed to coincide with the layer boundary (LB).

It is respectfully submitted that AAPA, Tsuchiya, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5, 11 and 26 which, amongst other patentable

elements, recites (illustrative emphasis provided):

the medium access device having an address limit memory containing at least a value for a parameter indicating the maximum value of the logical addresses of the storage locations in the said first storage layer;

the medium access device comprising means for changing the maximum value in said address limit memory.

Changing the maximum value in the address limit memory of a medium access device is nowhere disclosed or suggested in AAPA and Tsuchiya, alone or in combination. It is conceded that Tsuchiya discloses that the border of a recorded data is changed to coincide with the layer boundary, which is a similar result as the result of the present application. However, there are many ways to achieve a particular result. For example, the maximum value may be ignored, or a different variable or flag may be set or used. The present inventions as recited in independent claims 1, 5 and 11 requires a particular way to achieve the result, namely, to change the maximum value. AAPA and Tsuchiya, alone or in combination so not disclose or suggest changing the maximum value, as recited in independent claims 1, 5, 11 and 26.

Further, it is respectfully submitted that AAPA, Tsuchiya, and

combination thereof, do not disclose or suggest a "storage medium having at least one predetermined storage location for containing a value for a parameter indicating the maximum value of the logical addresses of the storage locations in the said first storage layer," as recited in independent claim 4. (Illustrative emphasis provided)

Accordingly, it is respectfully requested that independent claims 1, 4-5, 11 and 26 be allowed. In addition, it is respectfully submitted that claims 2-3, 6-8, 12-14 and 27-28 should also be allowed at least based on their dependence from independent claims 1, 11 and 26 as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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